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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,911	12/10/2003	Bruce J. Cardinal	ETWSP002	6813
21912	7590	11/08/2005		
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER BAHTA, KIDEST	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,911	<b>Applicant(s)</b> CARDINAL ET AL.	
	<b>Examiner</b> Kidest Bahta	<b>Art Unit</b> 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 59, and 60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

“receiving via a web interface a ***proposed modification*** to the individual station irrigation schedules; determining, prior to the ***proposed modification*** being made; an effect the ***proposed modification*** to the individual station irrigation schedule would have if made; displaying via the web interface the effect of ***the proposed modification*** to the individual station irrigation schedule received via the web interface; receiving an indication that ***the proposed modification*** to the individual station irrigation schedule is to be implemented; and sending the individual station irrigation schedules with the ***proposed modification*** implemented to an irrigation control unit”.

Upon the telephone interview Examiner ask where in the specification can be found the phrase “proposed modification”. Mrs. Ing indicated the phrase “proposed modification” can be found Fig. 6A and .6B or Page 29 through page 32. However, Examiner did not see any indication word or phrase of “proposed modification” in Fig.

6A and .6B or Page 29 through pages 32 or anywhere in the specification. However, claims have been rejected with the best understanding of Examiner's knowledge.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (U.S. Patent 5,870,302) and Peek et al. (U. S. Patent 6,675,098) and further view of Miller (U.S 2005/0171646).

Regarding claims 1-3, 5-6, 20-21, 30-33 and 59-60, Oliver discloses that receiving landscape and environmental information and deriving an irrigation schedule based on the landscape information and the environmental information; and sending the irrigation schedule to an irrigation control unit (Abstract, Fig. 6).

Peak discloses displaying via a web interface an effect of modifying the individual irrigation schedule via the web interface (Fig. 8, i.e., although irrigation can be scheduled using ET and hours needed as shown in FIG. 8. The farmer also needs to confirm that water was actually applied when and in the amounts scheduled. The farmer accomplishes this by making manual soil moisture measurements that require expensive visits to the field. If the soil moisture can be measured and reported to the farmer *over the Internet and displayed on his computer's display device*, this will confirm

that the proper amount of water was provided at the proper time); the irrigation schedule is sent to the irrigation control unit via network and Internet (Fig. 14, Fig. 16 and Fig. 17) and in addition, the information of the irrigation is view via Web (Fig. 14, element 388, i.e., server system).

Oliver and Peek fail to discloses a proposed modification to the individual station irrigation schedule and determining, prior to the proposed modification being made station, an effect the proposed modification to the individual station irrigation schedule would have if made; receiving an indication that the proposed modification to the individual station irrigation schedule is to be implemented.

Miller discloses a proposed modification to the individual station irrigation schedule and determining, prior to the proposed modification being made station, an effect the proposed modification to the individual station irrigation schedule would have if made; receiving an indication that the proposed modification to the individual station irrigation schedule is to be implemented ([0150]), i.e., a computer simulation of the physical device was created in order to explore a number of variations with regards to the organization of the buttons 36-46, methods of inputting the data, the organization of the information displayed in the LCD 34, and the steps by which manual water operations are initiated. The simulated controller was connected to an actual sprinkler system via an interface board linking the computer on which the simulation was installed, via the interface, to an actual sprinkler system. It is conceivable that the simulated version of the controller 10 whose operation is consistent with the description provided above for the physical, typically wall mounted product, could exist in its own

right as a viable irrigation controller 10. Furthermore, it is conceivable that the simulated on screen control panel could be integrated, perhaps through a home networking system or some other, either similar, or alternative means of communication, to the physical irrigation controller 10 herein described. It would then be possible to modify or review the programmed information using a personal computer, or via communication with the device from a remote location over the Internet).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Oliver and Peek with the teachings of Miller in order to provide the easy and fast communication and effective watering plan.

Regarding claims 4, 7-20, 23-29 and 34-58, Oliver discloses the environmental information includes evapotranspiration (ET) information (abstract); the environmental information includes weather information (column 5, lines 56-65); the irrigation schedule includes a restriction on the amount of water used (column 6, lines 25-30); the irrigation schedule includes balancing usage with other sites (column 14, line 52); the irrigation schedule includes accounting for needs of the most demanding plant (column 8, lines 20-28); deriving the irrigation schedule includes selecting an algorithm used for deriving the irrigation schedule from a plurality of algorithms (column 17 and column 18); sending the irrigation schedule to an irrigation control unit is initiated by the irrigation control unit (column 1, lines 15-18); sending the irrigation schedule to an irrigation control unit is initiated by the irrigation control unit and the irrigation control unit uses a pull model to request the irrigation schedule (Fig. 10); in the event that sending the irrigation schedule fails, further comprising providing an alert (column 9, lines 60-67);

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performing irrigation using stored irrigation schedule on the irrigation control unit (column 10, lines 22-25); uploading meter data from the irrigation control unit to a central control (column 8, lines 30-37), the landscape information includes irrigation method (column 1, lines 15-20), precipitation rate (column 3, lines 10-15), distribution uniformity (column 14, lines 9-10); root depth of plant (column 5, line 45), and number of emitters per plant and flow rate of emitter (column 9, lines 66-65), sun exposure information (Fig. 4); plant coefficient by month (column 8, line 65-column 9, line 4); the irrigation schedule is optimized for one or more stations (column 4, lines 5-8; column 15, line 35); multiple stations operating simultaneously (Fig. 6); the irrigation schedule is derived using station flow rates and maximum allowable system flow (column 15, lines 16-19) and automatically adjusted for rainfall (column 2, lines 50-53); deriving the irrigation schedule includes minimizing runoff (column 1, lines 55); the irrigation schedule includes hourly restrictions (column 7, lines 20-21); the irrigation schedule includes non-watering days (column 7, lines 8-15); deriving the irrigation schedule includes accounting for the priority of stations (column 11, lines 51-61); landscape information includes seasonality of plants (column 5, lines 45); the irrigation schedule is derived using station flow rates provided by a flow sensor (column 8, lines 30-32); the irrigation schedule is optimized to fit within a user-defined water window (column 1, lines 39-55); the irrigation schedule includes individual station schedules derived using a plurality of algorithms and selecting an algorithm based on an irrigation method and geographic location (column 7, lines 16-30, column 17-18).

***Response to Amendment/Response to Arguments***

3. Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta

October 31, 2005

